

Application No.: 10/574,057
Response to Office Action dated June 28, 2010

[12928/10029; 569.1014]
October 19, 2010

Amendment to the Drawings

A replacement sheet is provided replacing the originally submitted Fig. 1. The replacement sheet contains only Fig. 1 and has now been amended to include the label "Prior Art."

Attachment: One Replacement Drawing Sheet (1 pg)

REMARKS

The drawings were objected to. Claims 24 and 25 were rejected under 35 U.S.C. §112, first and second paragraphs. Claims 23, 30 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 196 40 393 A1 to Kraus et al. (hereinafter "Kraus"), in view of Applicant's Admitted Prior Art (Specification Page 1, hereinafter "AAPA"), and Patent No. WO/2003/065380 A1 to Georgii (hereinafter "Georgii"), or in the alternative in further view of U.S. Patent No. 4,889,680 to Wachter (hereinafter "Wachter"). Claim 33 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus in view of AAPA, Georgii and Wachter. Claim 24 was rejected as applied to claim 23 and further in view of I. S Patent No. 4,731,219 to Beneck et al. (hereinafter "Beneck") and Japanese Patent No. 2000111682A to Shomura (hereinafter "Shomura"). Claim 31 was rejected as per claim 23 in further view of Beneck.

Fig. 1 has been amended. Claims 23 to 25, 32 and 33 have been amended based on the Examiner's comments. Applicants thank the Examiner for the comments. Claim 34 has been added, support being found in the substitute specification at page 18, lines 15 to 22 for example and location 27b of Fig. 5.

Reconsideration of the application based on the following remarks is respectfully requested.

Drawings

Fig. 1 has been labeled as prior art and withdrawal of the objection is respectfully requested.

35 U.S.C. §112 Rejections

Claims 24 to 25 were rejected under 35 U.S.C. §112, first and second paragraph. Claims 24 and 25 have been amended as suggested by the Examiner. Applicant thanks the Examiner for noting these issues and the helpful suggestions.

Withdrawal of the rejections to claims 24 to 25, under 35 U.S.C. §112, first and second paragraph, is respectfully requested.

35 U.S.C. §103(a) Rejections

Claims 23, 30 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kraus, in view of AAPA and Georgii, or in the alternative in further view of Wachter. Claim 33 was rejected as in the alternative with respect to claim 23.

Kraus discloses “a sheath 8...is located under water in a socket 40.” See Translation, Page 9, lines 12 to 13. Socket bottom 41 has a feedthrough which leads to a hose 46. See Fig. 4. “[T]he water is suctioned out of the two cylinders 43 through the connecting line 46, after which the cylinders 43 are filled with air.” See Page 12, last three lines.

Georgii discloses a concrete body container device.

Wachter discloses a fuel rod assembly 10 that can be stored in a storage pool. Wires remove the fuel rods to store them in a compacted manner in a container 30. See col. 4, lines 16 to 68.

Applicant thanks the Examiner for not issuing a Final Office Action and for addressing the arguments in detail. It is believed that prosecution has advanced, and it is hoped that the present amendments and the arguments below are considered a good faith effort to forward prosecution. While the Applicant reasserts and reserves the right to re-raise arguments previously made, especially with respect to Kraus, it is believed that the present amendments make clear further differences with Kraus and hopefully the Examiner will agree that the application is in condition for allowance.

Kraus teaches a special device used for making sure a single capsule is dry (see Page 3, first full paragraph of translation of Kraus). Individual capsules are placed in the socket 40 temporarily, dried, and sent off to a fuel element or to a reprocessing plant (see page 13, last two sentences of translation).

Perhaps lost in the previous discussions is the fact that the loading structure of the present invention has a plurality of locations, including a loading location (see 27a of Fig. 5 and substitute spec at page 14, lines 13 to 18 for example), and such as a further storage location, where the capsule is moved to after being loaded at the loading location. See substitute specification at page 18, line 29 et seq.

Claims 23, 32 and 33 have been amended to recite “the loading structure having a plurality of locations, each location being capable of receiving one of the plurality of capsules” as clearly shown in Fig. 5 and described for example in the substitute specification at page 18, line 29 et seq.

Kraus clearly does not have such loading structure having a plurality of locations, nor does it desire them, since it uses a single socket 40 for individual processing of capsules. Nor does AAPA show a plurality of locations. Georgii also does not teach or disclose any such loading structure: Georgii at page 7, lines 5 to 9 describes that the inner vessels 11 are in a basin 24, and are only placed later in the asserted containers 10. See Fig. 3.

The newly cited art, Wachter and Beneck, teach storage of fuel elements not in capsules, and both are for forming a more compacted unit. These thus would relate to the step of a first step of depositing leaky fuel rods in a pool, and to the limitation of claim 30 of an intermediate storage. They relate to storage prior to any encapsulation.

Thus none of the prior art, it is respectfully submitted, teaches or leads one of skill in the art in any way to modify socket 40 of Kraus to have a plurality of locations for individual capsules. In fact, Kraus teaches moving the capsules to a different structure other than socket 40.

With further respect to claim 23, it is further respectfully submitted that none of the cited prior art teach or show “moving each capsule containing the leaky fuel rod from the at least one loading location to another location of the plurality of locations of the loading structure different from the at least one loading location” as now claimed. In Kraus the capsules are moved to a different structure, and do not remain in or even near socket 40, and therefore it is also respectfully submitted, no motivation is provided to move the capsules as now claimed.

With respect to claim 32, claim 32 now further recites “placing each capsule containing the leaky fuel rod in one of the locations of the loading structure; and transporting and storing the leaky fuel rods inside the capsules placed in the loading structure.” *The socket 40 of Kraus is clearly meant to be stationary, as per the tubing and connections 50, 51, 52 and 46.* There would have been no reason or motivation to move the socket 40, and clearly the capsules are meant to be dried and then transferred to another structure. Thus, it is respectfully submitted, one of skill in the art would not have modified the socket 40 for use in transporting and storing

the capsules in view of Georgii but rather transferred the capsules on, as Georgii itself discloses. See Fig. 3 of Georgii.

With further respect to claim 33, claim 33 now recites “moving each capsule containing the leaky fuel rod from the loading location to a different storage location of the plurality of locations.” None of the prior art cited teach or show this feature. Furthermore, even if they did, which they do not, the prior art also fails to teach or show “transporting and storing the leaky fuel rods inside the capsules placed in the loading structure.” *The socket 40 of Kraus is clearly meant to be stationary, as per the tubing and connections 50, 51, 52 and 46.* There would have been no reason or motivation to move the socket 40, and clearly the capsules are meant to be dried and then transferred to another structure. Thus, it is respectfully submitted, one of skill in the art would not have modified the socket 40 for use in transporting and storing the capsules in view of Georgii but rather transferred the capsules on, as Georgii itself discloses. See Fig. 3 of Georgii.

Claim 24

With further respect to dependent claim 24, Beneck simply is not a loading structure for capsules at all, and seeks a closer configuration See col. 6, lines 42 to 48. There is no reason or teaching of tie rods or other structure nor any needed for the intermediate storage device of Beneck.

Claim 25

Claim 25 was not addressed from a prior art standpoint, and its allowance is respectfully requested.

Claim 31

With further respect to dependent claim 31, Beneck simply is not a loading structure for capsules at all, and seeks a closer configuration See col. 6, lines 42 to 48. There is no reason or teaching of tie rods or other structure nor any needed for the intermediate storage device of Beneck.

Withdrawal of the 35 U.S.C. 103 rejections is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

Dated: October 19, 2010

By: 
William C. Gehris. Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 - 1940